



The following constitutes the order of the Court.  
Signed: April 9, 2021

*Stephen Johnson*

Stephen L. Johnson  
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

In re **EVANDER FRANK KANE**,  
  
Debtor.

Case No. 21-50028 SLJ  
Chapter 7

**ORDER DENYING APPLICATION TO SHORTEN TIME**

On April 8, 2021, Creditor Centennial Bank filed a motion to shorten time on the hearing on its motion to dismiss this case. ECF 92; *see* ECF 83. Creditor states shortened time is necessary because its motion to dismiss requests essentially the opposite relief of a currently pending motion to convert the case to Chapter 11 and appoint a trustee, *see* ECF 33. Creditor also says considering the facts and law presented in its motion will assist me in deciding how this case should proceed. Debtor objects to shortened time, stating he does not believe this motion and the motion to convert are connected.

I decline to shorten time on Creditor's motion to dismiss. Creditor's motion to dismiss would have serious ramifications for Debtor. Shortening time on such a motion puts Debtor, the subject of another case dispositive motion, at great disadvantage. It is better for Debtor to have the benefit of the full notice period to formulate his response. In addition, it is common in bankruptcy cases for parties to seek inconsistent relief, as seems to be the case

ORDER DENYING APPLICATION TO SHORTEN TIME

1 here. But if the case were converted to chapter 11, a party other than Debtor could move to  
2 dismiss it, meaning not all the relief is inconsistent.

3 Accordingly, it is hereby ordered that Creditor's motion is denied. Creditor should  
4 notice its motion to dismiss in compliance with the Bankruptcy Rules and Local Rules.

5 IT IS SO ORDERED.

6 **END OF ORDER**  
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ORDER DENYING APPLICATION TO SHORTEN TIME

2/3

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[ECF recipients only]

ORDER DENYING APPLICATION TO SHORTEN TIME

3/3